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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/874,427
Filing Date: June 04, 2001
Appellant(s): SIMPSON ET AL.

Jack McKinney, Reg. No. 45685
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/07/2006 appealing from the Office action mailed 02/07/2006

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US Patent 5974234	Levine et al.	October 26, 1999
US Patent 6757071	Goodman et al.	June 29, 2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11, 15-22, 24-27, 29-34, 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine et al. (US Patent 5974234) hereinafter referred to as Levine .

With respect to Claim 1 (as amended) , Levine disclosed a method for representing production devices on a network, (Figure 5, Column 5 Lines 25-45) the method comprising: hosting an interface (Column 4 Lines 20-25) for one or more production devices, each interface having user accessible controls (Column 5 Lines 5-10) for selecting production options for a document;(Column 15 Lines 35-40) providing

the interface for a selected one of the production device to a client upon receipt from the client of a production request for the target document; (Column 14 Lines 25-35) and managing the production of the target document for the selected production device using production options selected through the interface. (Column 7 Lines 45-50, Column 4 Lines 55-65, Column 13 Lines 5-20, Column 8 Lines 55-65)

With respect to Claim 2, Levine disclosed the method of claim 1, further comprising detecting new production devices connected to the network, and hosting an interface for each new production device. (Column 11 Lines 35-45, Column 12 Lines 15-25)

With respect to Claim 3 (as amended) , Levine disclosed the method of claim 2, further comprising: acquiring production logic for each detected production device, the production logic including data for generating a user interface having particular controls for selecting production options for that detected production device; (Column 14 Lines 25-35, Column 15 Lines 45-65) using the production logic for each detected device, generating an interface having user accessible controls for selecting production options for and directing production of a document on that detected production device; and associating the generated interface with a network address. (Figure 7, Column 13 Lines 40-65, Column 14 Lines 60-65, Column 15 Lines 1-25)

With respect to Claim 4, Levine disclosed the method of claim 3, wherein the act of acquiring comprises identifying the new device and acquiring production logic for the identified device from a device information service. (Column 13 Lines 40-65)

With respect to Claim 5, Levine disclosed the method of claim 1, wherein each interface is a web page associated with a network address, the act of hosting comprises hosting each interface on a web server, and the act of providing comprises providing the interface to a web browser. (Figure 4, Column 4 Lines 1-35, Column 13 Lines 5-20, Column 10 Lines 5-20, Column 8 Lines 1-25)

With respect to Claim 6, Levine disclosed the method of claim 1, wherein the interface is hosted and production of the document is managed on a device other than the production device. (Figure 5, Column 8 Lines 45-65)

With respect to Claim 7, Levine disclosed (currently amended) A method for representing production devices on a network, the method comprising: (Figure 5 Column 5 Lines 25-35) detecting new production devices connected to the network; using (tie production logic for each detected device, (Column 11 Lines 35-65,Column 12 Lines 15-35, Column 10 Lines 5-35, Column 10 Lines 45-55) generating an interface having user accessible controls for selecting production options for and directing production of a document on that detected production device; (Column 14 Lines 25-35, Column 15 Lines 45-65) hosting the generated interface for each

production device; providing the interface for a particular production device to a client upon receipt from the client of a production request for a target document; and managing the production of the target document for the particular production device using production options selected through the interface. (Column 7 Lines 45-50)

With respect to Claim 8 , Levine disclosed a method for managing electronic document production over a computer network, the method comprising: accessing a proxy service for a production device; the proxy service, returning an interface having user accessible controls for selecting production options for a document; (Column 14 Lines 25-35, Column 15 Lines 45-65) returning selected production options to the proxy service; and the proxy service managing production of the document for the production device using production options selected through the interface.(Figure 5, Column 10 Lines 45-65, Column 11 Lines 5-25)

With respect to Claim 11 , Levine disclosed (original) the method of Claim 8, wherein the proxy service includes a web server and the interface is a web page; and the act of returning includes returning the web page. (Column 10 Lines 20-35, Column 13 Lines 5-25)

With respect to Claim 15, Levine disclosed the method of claim 8, wherein the proxy service operates on a device other than the production device. (Figure 5 Column 10 Lines 20-35)

Levine disclosed Claim 16. (currently amended) A computer program product for managing electronic document production over a computer network, the product comprising a computer useable medium having computer readable instructions thereon for: (Figure 5, Column 5 Lines 25-45) receiving, from a client, a production request for a production device for a target document: (Column 14 Lines 25-35, Column 15 Lines 45-65) in response to the production request, returning to the client an interface for the production device, the interface having user accessible controls for selecting production options for the target a document; managing the production of the target document using production options selected through the interface. (Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 17. (original) The product of Claim 16, further comprising instructions for acquiring a target document and wherein the instructions for returning and managing comprise instructions for returning an interface for selecting production options for the target document and managing production of the target document. (Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 18. (original) The product of Claim 16, further comprising instructions for detecting new production devices and generating an interface for each

new production device detected. (Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 19. (original) The product of Claim 16, further comprising instructions for identifying each new production device detected and acquiring production logic used to generate an interface for that production device. (Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 20. (original) The product of Claim 19, wherein the instructions for acquiring the production logic comprise instructions for acquiring the production logic from a device information service. (Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 21. (original) The product of Claim 16, wherein the instructions for receiving and managing comprise instructions for receiving and managing to be executed by a device other than the production device. (Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 22. (currently amended) A system for representing production devices on a network, comprising: a database containing production logic (Column 10 Lines 45-65) for one or more production devices, the production logic for each production device including data for generating a user interface having particular controls for selecting production options; (Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) an interface generator (Levine- figure 5, HTTP server, Application Layer) operable to access production logic for a production device in the database and, following receipt of a production request for a target document, to serve an interface for the production device, the interface, (Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) being generated according to the accessed production logic, having user accessible controls for selecting production options for the target document; and a production engine, in electronic communication with the interface generator, the production engine operable to manage production of the target document for the production device using production options selected through the interface. (Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 24. (original) The system of Claim 22, further comprising a service engine operable to detect new production devices and to acquire production logic for each the detected production device. (Figure 5, Column 8 Lines 45-65, Column

12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 25. (original) The system of Claim 24, wherein the service engine includes: a device locator operable to detect and identify new devices present on the network; and an update service operable to acquire the production logic for each of the detected devices and update the database with the acquired production logic. (Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 26. (original) The system of Claim 22, wherein the interface generator is a web server and the interface is a web page. (Column 10 Lines 20-35, Column 13 Lines 5-25)

With respect to Claim 27, Levine disclosed the system of claim 22, wherein the interface generator and the production engine each operate on a device other than the production device. (Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35)

Levine disclosed Claim 29. (currently amended) In a computer network, a system for managing electronic document production over a computer network, the system comprising: one or more production devices; a client operable to identify a target document, (Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) select one of the one or more production devices, and direct a production request to the selected production device ; a

proxy service in electronic communication with the client and the production device, the proxy service operable to return, in response to receiving a production request, (Column 4 Lines 55-65) to the client an interface for selecting production options for the selected production device and to manage the production of the target document for the selected production device using production options selected through the interface.(Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 30. (original) The system of Claim 29 wherein the proxy service includes a web server, the interface is a web page, and the client is a web browser. (Column 10 Lines 20-35, Column 13 Lines 5-25)

Levine disclosed Claim 31. (currently amended) The system of Claim 29, wherein the proxy service includes: a database containing production logic for at least one of the one or more production devices, (Column 10 Lines 45-65) the production logic for a given production device including data for generating a user interface having particular controls for selecting production options for that production device; (Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) an interface generator operable to access the production logic in the database and serve the interface for the selected production device, the interface being generated according to the production logic for the selected production device; and a production engine operable to manacle production of the document on the production device in accordance with the selected

production options. (Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 32. (original) The system of Claim 29, further comprising: a device locator operable to detect and identify new production devices present on the network; and an update service operable to acquire the production logic for each of the detected devices and update the database with the acquired production logic. (Column 12 Lines 15-35 , Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 33. (original) The system of Claim 29 wherein the client operates on a first network device and the proxy service operates on a second network device different from the first network device. (Figure 5, Column 8 Lines 45-65)

Levine disclosed Claim 34. (original) The system of Claim 29, wherein the proxy service operates on a device other than the selected production device. (Figure 5, Column 8 Lines 45-65)

Levine disclosed Claim 36. (new) The method of Claim 1, wherein each interface has user accessible controls for identifying a target document and for selecting production options for the target document, and wherein managing comprises managing, for the selected production device, the production of the target document

identified through the interface using production options selected through the interface. (Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Levine disclosed Claim 37. (new) The product of Claim 16, wherein: the instructions for returning comprise instructions for returning to the client an interface for the production device, the interface having user accessible controls for identifying the target document and for selecting production options for the target document; (Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) the instructions for managing comprise instructions for managing the production of the target document identified through the interface using production options selected through the interface. (Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14,23, 28 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Patent 5974234) further in view of Goodman et al. (US Patent 6757071) hereinafter referred to as Goodman .

While Levine substantially disclosed the invention, Levine did not clearly disclose the method of Claim 14 further comprising identifying the document before accessing the proxy service; wherein the interface also includes a user accessible control or controls for identifying the document; wherein the act of managing includes merging the document with the selected production options into a production plan and delivering the production plan in a device-understood format to the production device. Levine did not clearly disclose the system of Claim 28 with a plan generator operable to merge the document with the production options selected through the interface.

The Examiner notes that while the Levine patent describes user interfaces for the production device and sending processing instructions to the production device, the aforementioned features are not clearly explained by the Levine patent, with these features concerning the preview of the document and the manual, interactive or automatic modification and selection of printing options, depending on the user's desires and the characteristics of the production device. However since Levine was concerned with processing of print documents with print options, Levine would have been motivated to look for other disclosures regarding said processing of print documents, such as Goodman.

Goodman describes a system and method providing an intelligent printer driver and user interface. The Goodman patent clearly indicates the target document is identified before accessing the proxy server, since a production device driver is selected based on the target document characteristics. The Goodman patent detects the contents of the document, uses a recommendation module that plans for the production of the document, presents possible modifications options to the user and presents a preview of the modified documents via a user interface. The Goodman patent allows the user to proceed or cancel the printing process. (Goodman - Figures 4 and 5, Column 2 Lines 20-55, Column 5 Lines 10-65, Column 6 Lines 5-20)

Levine and Goodman are analogous art because they present concepts and practices regarding networked production device systems that provide automated

device driver lookup and installation. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the printer detector, content detector, compatibility determination module, recommendation module and user interface module described by Goodman into the system described by Levine . The motivation for said combination would have been, as Goodman suggests (Goodman - Column 1 Lines 15-65), to enable to user to take advantage of the growing complexity of production devices, especially colored printers, while shielding the users from difficulty in determining which devices to use given the multitude of devices and compatibility issues. Goodman mentions that because of differences in the printer characteristics it is often difficult to print color images which are perceived as accurate reproductions of the displayed color images. The combination of Goodman and Levine also allows document to be sent electronically to different users and printed out in different devices without loss of image quality. Goodman further mentions the advantage of an intelligent driver system when printing black and white documents from color images.

The combination of Levine and Goodman disclosed Claim 14 wherein the act of managing includes merging the document with the selected production options into a production plan and delivering the production plan in a device-understood format to the production device. (Goodman - Figures 4 and 5, Column 2 Lines 20-55, Column 5 Lines 10-65, Column 6 Lines 5-20)

The combination of Levine and Goodman disclosed Claim 23 - wherein the production engine includes: a device driver operable deliver the production plan to the production device, (Levine - Column 10 Lines 20-65) wherein the production engine includes; a plan generator operable to merge the document with the production options selected through the interface. (Goodman - Figures 4 and 5, Column 2 Lines 20-55, Column 5 Lines 10-65, Column 6 Lines 5-20)

The combination of Levine and Goodman disclosed Claim 28 - a database containing production logic for one or more production devices, the production logic for each production device including data for generating a user interface having particular controls or selecting production options; (Levine - Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) a device locator operable to detect and identify new devices present on the network; (Levine - Figure 5, Column 8 Lines 45-65, Column 12 Lines 15-35, Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) an update service operable to acquire the production logic for each of the detected devices and update the database with the acquired production logic; an interface generator operable to access the production logic for a production device in the database and serve an interface for the production device, (Levine - Column 14 Lines 25-35, Column 15 Lines 45-65) the interface being generated to include user accessible controls for selecting production

options for a document as specified by the production logic for that production device: and a device driver operable to deliver the production plan to the production device, (Levine - Column 10 Lines 30-65) a plan generator operable to merge the document with production options selected through the interface. (Goodman - Figures 4 and 5, Column 2 Lines 20-55, Column 5 Lines 10-65, Column 6 Lines 5-20)

The combination of Levine and Goodman disclosed Claim 35 - one or more production devices; a database containing production logic for one or more production devices, (Levine - Column 10 Lines 45-65) the production logic for a given production device including data for generating user interface having particular controls for selecting production options for that production device; (Levine -Column 12 Lines 15-35 , Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) a device locator operable to detect and identify new devices present on the network; (Levine - Column 12 Lines 15-35 , Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) an update service operable to acquire the production logic for each of the detected devices and update the database with the acquired production logic; a client operable to identify a target document, select one of the one or more production devices, and direct a production request to the selected production device ; (Levine - Column 7 Lines 45-50, Column 14 Lines 25-35, Column 15 Lines 45-65) an interface generator operable to access the production logic for the selected production device in the database and serve an interface for the selected production device, the interface

being generated to include user accessible controls for selecting production options for the target document as specified by the production logic for that production device; and a device driver operable deliver the production plan to the production device, (Levine - Column 10 Lines 45-65) a plan generator operable to acquire the target document and merge it with production options selected through the interface forming a production plan. (Goodman - Figures 4 and 5, Column 2 Lines 20-55, Column 5 Lines 10-65, Column 6 Lines 5-20)

(10) Response to Argument

The Applicant presents the following argument(s) [*in italics*]:

Levine mentions nothing of providing a web-page [interface] upon receipt of a production request for a target document where that interface includes user accessible controls to selection production options for the target document. (Page 9)

The Examiner respectfully disagrees with the Applicant. The Applicant seems to emphasize that in the claimed invention, the interface is only provided after receiving the production request. The Examiner notes that in Column 4 Lines 15-20 Levine disclosed that the information displayed to the client includes dynamic information computed at the time that a client makes a request to the server. Thus where Levine requests a [printer] operation, said operation including a plurality of electronic pages (Column 7 Lines 45-50) and a set of processing instructions, wherein Levine further seeks to ascertain the settings of the target document processing device, (Column 5

Lines 5-10) Levine disclosed of '*providing an interface upon receiving the production request for a target document.*'

The Examiner notes that the method of submitting a request to print a document [job ticket], and further allowing the user to modify printing instructions [post-creation modification routine] after identifying the printing device, was well-known in the art, as evidenced by Kovnat (US Patent 5619649), being fully incorporated by reference in Levine Column 12 Lines 1-5. See Kovnat Column 13 Lines 35-45, Column 14 Lines 15-20, Column 19 Lines 5-10. Kovnat disclosed storing a set of job control instructions [production logic] for eventual use in a printing request (Kovnat- Column 4 Lines 20-25) and providing a dialogue for enabling a user to select values using a user interface (Kovnat-Column 3 Lines 60-65).

The Applicant presents the following argument(s) [*in italics*]:

Levine does not teach managing production of a target document using production options selected through that interface.

The Examiner respectfully disagrees with the Applicant. Levine disclosed a client interface for developing a command expression with respect to a printer (Column 5 Lines 30-40), such that the user is able to Get/Set printer options (Column 17 Lines 5-15) using said client interface.

The Applicant presents the following argument(s) [*in italics*]:

Levine does not teach providing a user interface that includes controls for identifying a target document.

The Examiner respectfully disagrees with the Applicant. Where Levine requests a [printer] operation, said operation including a plurality of electronic pages (Column 7 Lines 45-50) and a set of processing instructions, Levine disclosed of '*providing a user interface that includes controls for identifying a target document.*'

The Applicant presents the following argument(s) [*in italics*]:

Levine does not teach an interface generator where that interface includes user accessible controls to selection production options for the target document.

The Examiner respectfully disagrees with the Applicant. Levine disclosed an HTTP Proxy Server and Applications Layer, further including a routing interface (Column 10 Lines 60-65) in order to generate a client interface to allow users to makes changes in site settable values in a particular device.

The Applicant presents the following argument(s) [*in italics*]:

Levine does not teach a proxy service that is operable, in response to receiving a production request, to return a client interface where that interface includes user accessible controls to selection production options for the target document.

The Examiner respectfully disagrees with the Applicant. Levine disclosed an HTTP Server (Column 8 Lines 45-50) and Applications Layer, further including a routing interface (Column 10 Lines 60-65) in order to generate a client interface to allow users to makes changes in site settable values in a particular device.

The Applicant presents the following argument(s) [*in italics*]:

Levine and Goodman fail to disclose an interface generator for Claim 28.

The Examiner respectfully disagrees with the Applicant. Levine disclosed an HTTP Proxy Server and Applications Layer, further including a routing interface (Column 10 Lines 60-65) in order to generate a client interface to allow users to makes changes in site settable values in a particular device.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Greg Bengzon, AU 2144

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